

Draft: 9-15-12

PROLOGUE

Buried Secrets

There was a secret well kept during the two years I was under indictment for copying the Pentagon Papers, the two years of Watergate investigations that followed, and ever since. On our defense team it was known, aside from me, only by my principal attorney, Leonard Boudin. But it was almost surely shared by President Nixon and his assistant for national security, Henry Kissinger, who kept it secret for reasons of their own.

During my trial in Los Angeles I was often asked by reporters, in particular Peter Schrag who was writing a book about the case, "How much time did you spend copying? How long did it take?" I always answered vaguely and changed the subject. A realistic estimate would have indicated that it was a lot longer than was necessary to copy the Pentagon Papers alone.

An honest answer might have led to the question: "What else did you copy?" I wanted above all to avoid that question, either from reporters or, in particular, from my prosecutor. He was otherwise inhibited from asking that in his examination, since it didn't follow from the charges against me, which concerned only the Pentagon Papers.

Republican members of the Watergate Committee wouldn't have had that constraint, which is why I never volunteered to testify before that committee to respond to the false implications of some of the testimony they heard. I wasn't going to lie if I were faced with that question, and a refusal to answer under oath, or an evasion, would have conveyed more than I wanted.

As the reporters and prosecution knew from my public statements, I had copied the seven thousand Top Secret pages of the Pentagon Papers: the secret history of U.S. decision-making in Vietnam from 1945-68. And for most of them, I had made several copies. That alone took many nights of photocopying over several months. But in terms of originals, I had copied at least twice as many pages in all from my Top Secret safe, and still more from my Secret file cabinets, perhaps in all fifteen thousand pages or more.

I intended to disclose it all, not just the secret history of Vietnam. That, and the nature and content of these other documents, was the secret I wanted to keep, and did keep, during my trial and the Watergate hearings that led eventually to Nixon's resignation.

Some of these other documents dealt with Vietnam, including a Top Secret study on Policy Options for Vietnam I had delivered to Henry Kissinger—recently named as the assistant to the president for national security-- the day after Christmas, 1968 in his transition headquarters at the Hotel Pierre in New York. (After editing by me and Fred Ikle, a RAND colleague, Kissinger made it his first presentation to the National Security

Council in January, 1969). Also, NSSM-1, National Security Study #1, a set of questions to the bureaucracy on Vietnam that I had drafted at Kissinger's request, intended to expose major controversies and uncertainties within the bureaucracy. Plus some five hundred pages of Secret or Top Secret answers to them from the various agencies, confirming my expectations, and the Top Secret summary of these I had helped prepare for President Nixon.

But most of the thousands of Top Secret or Secret pages that I copied aside from the Pentagon Papers came from my years of classified work on matters of nuclear warfare for the RAND Corporation and as a consultant with high clearances to the Commander-in-Chief Pacific (CINCPAC) and to the Department of Defense. These documents consisted of my notes and studies on nuclear war planning, command and control of nuclear weapons, and studies of nuclear crises. They included verbatim extracts or copies of critical documents, war plans, studies and cables, and studies by others, including Kissinger's National Security Council (NSC) staff.

Among them (discussed later in this book) are detailed notes and memos from the Berlin crisis of 1961, the Cuban Missile Crisis (in which I participated and which I later studied with clearances higher than Top Secret), the nuclear crisis over the Offshore Islands (Quemoy) in 1958 (I copied Morton Halperin's Top Secret 1964 RAND study of this, which has been only partially declassified), and the Top Secret guidance to the JCS on the general nuclear war plans—and my explanatory notes—that I drafted for Secretary of Defense McNamara in 1961.

My six years of work as a specialist on nuclear warfare mostly preceded my involvement in the Vietnam war, which began in mid-1964 when I became a special assistant to the assistant secretary of defense (international security affairs). This nuclear background drew little attention in the years when I was a public figure because of my trial for releasing the Pentagon Papers and my antiwar activism. But it was well known to high Nixon administration officials, for whom it was a focus of more interest and concern than I was aware at the time. A concern, in fact, that helped bring down the administration. (see chapter X)

From the fall of 1969 to leaving RAND in August 1970, *I copied everything in my Top Secret safe at RAND*: of which the Pentagon Papers were only a small fraction. Nixon and Kissinger almost surely assumed that. The FBI had scanned my documents for fingerprints, and they would have found prints on documents other than the Pentagon Papers from my friend and former RAND colleague Tony Russo, who had helped me in the copying. They had the inventory of the contents of that safe.

So they knew, for example, that I had a Top Secret Kissinger study (NSSM-3) that examined current and proposed nuclear attack options against the Soviet Union, of which the *smallest* would kill 80 million people. (Fifteen years earlier it was known that Henry Kissinger was one of the main models for the figure of Dr. Strangelove in Kubrick's film. He had managed to shake that image in the next decade. That the political and wartime use of nuclear weapons was still a preoccupation of his was a sensitive personal secret.)

The fact was that soon after I had begun to copy the Vietnam study in September, 1969, I decided that it was much more important to reveal the other contents of my safe, to reveal to Congress, my fellow citizens and the world the peril that U.S. nuclear policies over the last quarter-century had created. Almost no other person known to me had the experience—let alone the will—to expose the breadth and intensity of those dangers, with documents as well as notes as detailed as mine.

I told just one person what I was doing and what I intended to do: Randy Kehler, whose example of draft resistance had set me on the course a month earlier. (See my memoir, *Secrets*, chapters 17-19.) He was due to report to prison shortly, when I spoke with him in San Francisco in November, 1969. And his reaction was the same as mine on the relative importance of the nuclear data and the Vietnam study. In fact, he urged me to forget disclosing the latter.

“By this time, we know all we need to know about Vietnam,” he said. “What you reveal about that won’t make any difference. From what you tell me, you’re the one person who can warn the world about the dangers of our nuclear war plans. That’s what you ought to put out.”

I said, “I agree with you that the nuclear material is more important. But Vietnam is where the bombs are falling right now. If I put it all out now, including the nuclear, the press won’t pay any attention at all to history about Vietnam. I think I have to give that as much of a run as I can first, for whatever difference it might make to shortening the war; then turn to the nuclear revelations.”

On the basis of that tactical judgment, I had separated all the nuclear notes and documents from the Vietnam material and given it to my brother Harry to keep for me, at his home in Harmon-Hudson, New York. I had given copies of the Vietnam documents, including the Pentagon Papers, to various other people, so that if I were arrested before they had been released publicly the FBI couldn’t prevent one set from being published.

I thought of these two sets of documents as essentially separate, to be subject to two distinct acts of disclosure, the nuclear documents later. But for reasons I didn’t know fully at the time, Nixon and Kissinger would have seen a closer relation between all these prospective leaks than I did myself.

Contrary to the beliefs of nearly all commentators ever since, Nixon’s promise in his 1968 campaign that he had “secret plan” to “end the war with honor” was not a hollow claim. He did have a plan, and it really was secret for strong domestic political reasons (and has remained effectively secret ever since, in the public mind). He actually carried most of it out, predictably without success. It relied at its heart on secret nuclear threats.

Nixon had described it in capsule form, as early as 1968 during the campaign, to his later chief of staff H.R. Haldeman,:

“I call it the Madman theory, Bob... We’ll just slip the word to them that, ‘for God’s sake, you know Nixon is obsessed about Communism. We can’t restrain him when he is angry—and he has his hand on the nuclear button.’—and Ho Chi Minh himself will be in Paris begging for peace.”

That may sound crazy, and it was. As many accounts in this book will attest, smart people often pursue crazy policies, especially when the planning and initial execution can reliably be kept secret. Nixon’s full strategy was more complex and specific than the bottom-line formula above, but no more realistic. (For the full story of the secret policy, how I came to know it, and what it led to, see chapter X.)

Soon after I went public with the Pentagon Papers in June, 1971, Nixon and Kissinger knew (I realized later) that I had *potential* access to their secret nuclear threats against North Vietnam in the last two years. Several White House colleagues of mine who knew of these threats—one of whom, Roger Morris, had seen in late 1969 target photos of prospective nuclear targets, one a mile and a half from the Chinese border—had resigned from the NSC staff over the Cambodian invasion in 1970, and might well have supplied me with documents.

Unfortunately, they had not. If they had, I would have put out those revelations in the fall of 1969 or later *instead* of the “merely historical” Pentagon Papers. Morris later described their failure to take with them and disclose such documents when they resigned as his greatest shame and regret in his life. He told me: “We should have thrown open the safes and screamed bloody murder: because that’s exactly what it was.”

But as Sy Hersh discovered, interviewing White House aides in his research for *The Price of Power: Kissinger and Nixon in the White House*, Nixon and Kissinger believed I had that information in detail. He told me, “They thought you had documents on Duck Hook [the code name for the military planning for the 1969 “November ultimatum” that Morris, Tony Lake and others had worked on]. They thought you knew the details of the nuclear threats and targets.”

They had to stop me from exposing those documents: not only because they would have explosively revealed to the public Nixon’s true, ambitious war aims and the lengths he was prepared to go to achieve them, but because those plans and threats were still secretly in play. As Nixon’s Oval Office tapes reveal they were under active discussion a year later, during the North Vietnamese offensive in 1972.

And since threatening me with loss of my clearance or my job, or with prosecution, obviously wouldn’t stop my from revealing whatever I had—I was already on trial, eventually facing 115 years in prison—they had to take criminal actions of various sorts to keep my mouth shut. These went from illegal warrantless wiretapping and a White House-directed burglary of my former psychoanalyst’s office (for blackmail information) to an attempt to “incapacitate” me “totally” at the Capitol in public. (The story of the illegal campaign against me, which helped bring down the Nixon administration after several of its operatives were apprehended at the Watergate, is in Chapter Y).

These actions were undertaken by a group in the White House under John Ehrlichman, Domestic Counsel to the President, that came to be known as “the plumbers” because its main function was to “stop leaks.” What journalists and scholars of the period have never picked up on—oddly, they’ve never imagined that I had anything else but the Pentagon Papers to reveal, and not one has ever asked me, in the forty years since, “Did you copy anything else?—was that the plumbers’ focus was primarily *to prevent further leaks by me*.”

The unanimous presumption in accounts of Watergate has been that the information sought in the White House break-in to the office of my former psychoanalyst Dr. Lewis Fielding was intended to support my prosecution and weaken my antiwar activities by discrediting me. According to Egil Krogh, who directed the project under Ehrlichman (along with Kissinger aide, David Young), that was the *least* important of several “potential uses” of the information.

Actually, the main aim was not so much to publish defamatory material about me as to find information they could *threaten* me with publishing, to blackmail me into silence about what else I knew. And to discover and neutralize my sources in the White House, if any. As Krogh told Judge Gesell in 1974 in pleading guilty, “Primary, of course, was preventing further disclosures by Dr. Ellsberg.”

“My best recollection is that I focused on the *prevention of further leaks* of Dr. Ellsberg and the termination of any machinery he may have established for such disclosures. That was the use most central to the assignment of the unit as I understood it.”

Another aim was “to ascertain if prosecution of Dr. Ellsberg would induce him to make further disclosures that he otherwise would not.” Or as Kissinger put it to Nixon soon after the plumbers had been set up (Oval Office tape, July 27, 1971):

“Because that son-of-a-bitch—First of all, I would expect—I know him well—I am sure he has some more information---I would bet that he has more information that he’s saving for the trial...It’s the way he’d operate.”

In reality, I wasn’t saving anything for that trial. I was saving the nuclear material for *after* the first trial. I might also have waited until after the second trial we were expecting for the distribution of the Pentagon Papers.

The charges in Los Angeles focused on the copying of the documents there by Tony Russo and me. Another secret grand jury was meeting in New York investigating the distribution and publication of the Papers. It was preparing to indict me again—Tony was not involved in these later stages—along with New York Times reporters like Neil Sheehan and Hedrick Smith, and perhaps others with whom I had shared some of the documents, including Noam Chomsky, Howard Zinn and Richard Falk).

I probably would have waited through the second trial before putting out the other documents from my safe: not to compromise the others who might have been indicted with me in New York, who had nothing to do with these. After that, my own third trial—for putting out nuclear secrets—was going to be the killer. That one would nail down the life sentence.

The plumbers themselves knew nothing of nuclear policy, and even their boss John Ehrlichman was not among the very few who knew of Nixon's nuclear threats in Vietnam. But Ehrlichman testified that the most urgent reason he was given by Nixon and Kissinger for the need to pursue me was that I “knew the secrets of the SIOP”: the Single Integrated Operational Plan, the operational plan for general nuclear war.

As indeed I did. Not the latest annual version, though that was foreshadowed in Kissinger's NSSM-3. But all plans for general nuclear war until at least the late '70's followed the framework of the guidance I had drafted for Secretary of Defense Robert McNamara in 1961 and reviewed for him in 1962-63, my thoroughgoing revision of the Eisenhower-era guidance it supplanted. (My Top Secret draft, sent by McNamara to the JCS as his guidance to the war plan without changing a word, and never yet fully declassified, was of course among the documents in my safe that I copied: see Chapter X.)

That background—almost unique for a civilian up until that time--and all the inside contacts among nuclear planners it involved, was another basis for Nixon and Kissinger to suppose, as Sy Hersh discovered, that I had learned of their nuclear threats in detail. Moreover, as Ehrlichman was told, they knew that I could disclose the *insane* nature (as they themselves saw it!) of the planning for general nuclear war over which they presided. (No more and no less insane than all the general nuclear war plans that preceded theirs—including “mine”—or that followed to the present day. How I and other Americans came to be involved—complicit—in such insanity is a major part of the story that follows.)

In short, Nixon and Kissinger almost surely *did* perceive me as a “national security” threat, i.e. a threat to the pursuit and success of their chosen strategy for victory in Vietnam. But they couldn't proclaim that justification either for prosecuting me or for their extra-legal acts against me, since they would have suspected that doing so publicly would trigger my making the as-yet-undeclared revelations that they feared.

And their fear of the public and Congressional reaction to those was well-founded. What made the White House so sensitive to what I might reveal was the actual, secret nature of Nixon's planning: the prospect of escalation (by a president elected to extricate America from the war without—it went without saying—expanding it): and above all, the unsuspected (and to this day, unappreciated) *nuclear dimension* to his policy.

Oddly, no researcher has ever shown curiosity as to *why* Henry Kissinger would have described me as “the most dangerous man in America,” who “must be stopped at all costs,” as Charles Colson reported to Sy Hersh over twenty years ago. Perhaps both

journalists and scholars have dismissed it as evidence of the emotionality or paranoia that supposedly characterized both Nixon and Kissinger, or as rhetorical exaggeration. On the basis of reasonable uncertainties and concerns in the White House, it was neither.

It had, in reality, *nothing to do with the release of the Pentagon Papers*, which was over and done with by the time of that assessment, and which wasn't dangerous in itself to Nixon's policy at all. The danger they saw was that I would release to the American public and the world what else I had copied, about their nuclear policy, in Vietnam and elsewhere.

In the end, it wasn't the White House, or the plumbers, that stopped me. It was the weather, a hurricane. An act of nature. An act of grace, my wife Patricia calls it, since—though it frustrated my deepest plans--it allowed me to sleep next to her, in loving embrace, for the last forty years instead of in prison.

To await the time when the release of the Pentagon Papers had done all the work it could do for the war, I had given all my nuclear notes and documents to my brother Harry for safe-keeping. For almost two years, until June 13, 1971, he kept them in the basement of his home in Harmon-Hudson, New York, where he lived with his wife Sofia. Then, when the New York Times and the Washington Post were enjoined from publication and a manhunt was on for me and Patricia, Harry buried all this material in a compost heap in his backyard, in a cardboard box inside a green garbage bag.

During the next thirteen days, while the FBI were still searching for us-- as Patricia and I with the help of friends and a pick-up team of antiwar recruits ("The Lavender Hill Mob," I thought of them) were putting out other copies of the Vietnam history to fifteen more newspapers--Harry transferred them again. It was good that he did. The very next day, his neighbor told him that she had observed men in civilian clothes probing his compost heap with long metal rods.

Just in time, Harry had buried the box, inside its bag, in the town trash dump. He dug it into the side of a bluff rising above the dirt road that bordered the dump. There was an old gas stove resting on the bluff just above the burial spot, to identify it.

But during that summer, not long after I had been indicted, a hurricane had hit Harmon-Hudson. The bluff and its contents had collapsed over the roadway and down the slope below it. The stove had been blown and rolled a hundred feet or more from its last position. He didn't tell me right away, until he had spent days and then weeks trying to find the lost box.

Then he and two friends, Barbara Denyer and her husband, spent weekend after weekend in the search. At one point they rented a back-hoe bulldozer to turn up the dirt in the dump. (The driver, a town employee, got in trouble when it came out he had allowed the bulldozer to be used for a private purpose. Barbara had told him she was looking for a thesis manuscript that had been put in the trash by mistake.)

administrations, in connection with Berlin, Cuba and Indochina (and continuously, with NATO). And Nixon himself learned it in the earlier administration when he was vice president. President Eisenhower used our nuclear weapons that way—secretly, though his secretary of state took credit for their “brinkmanship” mid-way through-- in Korea, Indochina, the Taiwan Straits (twice, 1955 and '58) and Berlin, as well as NATO. The Bush formula was first used, in almost the same words of dialog, by Harry Truman for Korea in 1950.

Each one of these presidents (along with Ford, Carter, Reagan, George H.W. Bush and Clinton) has felt it necessary to reject an American “no-first-use” policy: renunciation either of threats to *initiate* nuclear war or the tactical *and massive strategic forces* needed to make such threats credible and effective even against a nuclear-armed Soviet Union or-- more commonly during the Cold War--one of its allies.

The burden of this book is *the hidden nuclear dimension of American foreign policy*, and its relation to the creation of nuclear apparatuses, in the US and Russia in particular, which—acutely in recurrent crises but more or less continuously over the last half-century to the present day—threaten the extermination of all life on earth.

If that fate is to be averted, the secrecy that sustains public ignorance about this policy and its risks must end. In this book I will be telling, among other things, the contents of “what else I copied,” the buried secrets. And how I came to know them; how and why they have been kept hidden so long; and the dangerous consequences of that secrecy.

It should become clear enough, from the introduction that follows and the rest of the story, why it seemed unquestionably worth my freedom, worth risking life in prison, to expose these truths.

All this led to the discovery of more than one green garbage bag—perhaps a thousand of them, in a trash dump—but none with Top Secret documents inside. Denyer's husband quit the project—her weekend obsession had put a strain on their marriage—and eventually Harry did too, though Barbara continued to look for most of a year, sometimes with her daughter.

Meanwhile I was on trial and not thinking much about the revelations still to come. Harry's heroic efforts kept me thinking that eventually the treasure would be found. That didn't wane until nearly the end of the trial, when he reported that much of the contents of the dump had been moved to be landfill for the foundation of a condominium nearby, which was about to be covered with concrete. There might no longer be any way to get at the missing box, he said, without using dynamite. Joke. The documents were lost.

Forty years have gone by, and most of what was buried then has remained secret. What a back-hoe or dynamite could not pry loose, the Freedom of Information Act has not (with some exceptions) freed from the safes where this information has wrongfully been sequestered half a century.

But not all the notes and documents that I had copied and not released were buried. And a good deal of what was lost has since been declassified in part: enough to corroborate the account that follows.

This is not (except for chapter X) a book about Vietnam or Nixon's use of nuclear weapons. Nixon did indeed *use* nuclear weapons: the way a gun is used when you point it at someone, whether or not you pull the trigger: generally hoping, indeed, that you get your way without pulling the trigger.

- Contrary to the popular belief that no nuclear weapons have been used since Hiroshima and Nagasaki, American presidents have used our weapons *dozens* of times in crises, generally, as in Nixon's case, secretly from the American public. Sometimes they were bluffing, sometimes almost surely not. Some threats have failed (like Nixon's); sometimes, rightly or wrongly, presidents and their advisors have believed that threats succeeded, which has encouraged them to keep making them *to the present day*, a generation after the end of the Cold War.

As I write this, and for the last six years continuously, two presidents have been using our own nuclear weapons openly to influence Iran's pursuit, as they see it, of similar weapons. When George W. Bush said in 2008, "All options are on the table" with respect to Iran, a reporter asked him, "Does that include possible nuclear attacks?" He replied with emphasis (recorded on YouTube): "*I said, all options.*"

That formula, with the same emphasis, was echoed by every major candidate, Democrat and Republican, in the presidential campaign, and it has been reiterated several times by the one who won, President Obama, including in 2012. But that use of nuclear power, hoped-for intimidation, was not invented by George W. Bush or even by Richard Nixon. It was discussed and proposed at the highest levels in the Johnson and Kennedy